

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

JOSEPH ALVA¹,

Petitioner

v.

ALBERTO GONZALES, ET AL.,

Respondents

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:
: CIVIL NO. 3:CV-05-1491
:
: (Judge Kosik)
:
:

ORDER

Background

Joseph Alva, at the time a detainee of the Bureau of Immigration and Customs Enforcement (BICE) confined at the York County Prison, Pennsylvania, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. In the petition, he challenges his continued detention by BICE pending his removal to Antigua-Barbuda. Along with his petition, he has submitted a motion seeking leave to proceed in forma pauperis in this matter. (Doc. 2.) For the reasons that follow, the motion to proceed in forma pauperis will be granted for the sole purpose of filing this petition, and the petition will be dismissed as moot.

In his petition, Alva states that he is challenging his excessive continued detention by BICE pending his removal. He claims that because there is no reasonable likelihood that he will be removed in the foreseeable future, that he should be released on supervision pending his removal.

¹ Alva also goes by the name of "Alva Joseph."

In this action he does not challenge the removal order, but rather, only his continued detention pending removal, and as relief seeks to be released on supervision. At the time he filed this action, he was still detained by BICE at the York County Prison. On July 12, 2005, Alva was released on supervision. He now lives in Bronx, New York. He advised the court of his new address in another action he presently has pending with the court, Joseph v. Department of Justice, et al., Civil Action No. 3:05-CV-1129 (M.D. Pa. 2005) (Doc. 10.). Today the court contacted the York County Prison to verify Alva's present whereabouts. The court was informed that Alva was in fact no longer in BICE custody, but rather, was released on parole supervision on July 12, 2005, and living in Bronx, New York. Because Alva has received the relief he seeks in the petition, specifically release on supervision, the petition will be dismissed as moot.

ACCORDINGLY, THIS 13th DAY OF OCTOBER, 2005, IT IS HEREBY ORDERED THAT:

1. The motion to proceed in forma pauperis (Doc. 2) is granted for the sole purpose of filing this action.
2. The petition is dismissed as moot.
3. The Clerk of Court is directed to close this case.

s/Edwin M. Kosik
United States District Judge